IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 1ST FEBRUARY 2007 / 12TH MAGHA 1928

WP(C).No. 2110 of 2007(A)

PETITIONERS:

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1. MANIAMMA, AGED 40,
   W/O.LATE GANESHAN, ALUMTHARA MANUEL VEEDU,
   PRAYAR THEKKUM MURI, CLAPPANA,
   KARUNAGAPPALLY.

2. MINIMOL, AGED 23,
   D/O.LATE GANESHAN, DO. DO.

BY ADV. SRI.K.R.SUNIL

RESPONDENTS:

THE MANAGING DIRECTOR,
THE KERALA STATE CASHEW DEVELOPMENT
CORPORATION, KOCHU PLAMMOODU,
MUNDAKKAL, KOLLAM.

BY ADV. SRI.U.K.RAMAKRISHNAN
SRI.P.V.LOHITHAKSHAN
SRI.K.K.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.2110 OF 2007

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Dated this the 1st day of February, 2007

JUDGMENT

Case of the petitioners in brief is as follows:

Petitioners are the widow and daughter of late Sri.Ganeshan, who died in harness on 5.10.2006. A claim was submitted for getting the service benefits and the benefits to accommodate the second petitioner under dying-in-harness scheme. It was not considered. The case is that it is after accepting Exts.P1 to P3 that there is inaction. Exts.P1 and P2 are the judgment and decree of the Family Court declaring the rights of the petitioners and indicating that they alone are entitled to service benefits and defendants 1 and 2 were injuncted from receiving the benefits. Ext.P3 is stated to be a representation given by the petitioners.

2. This court directed the Standing Counsel for the respondent to get instruction regarding the action taken on Ext.P3 including the claim for monetary benefits. Today, when the matter came up Standing Counsel for the respondent makes the following submission:

In regard to the claim for gratuity is concerned, it is pointed out

that on account of paucity of funds the respondent is constrained to disburse the terminal benefits including gratuity in accordance with the priority fixed with reference to the date of superannuation. Counsel for the respondent relies on the judgment in O.P.6586 of 2002. In such circumstances it is submitted that the claim of the petitioners for terminal benefits involved can be disbursed only in terms of priority. It is pointed out that as of now amount is being disbursed to persons who retired in 1998.

3. In such circumstances, the amounts due to the petitioners by way of gratuity shall be disbursed in terms of the direction given in the said judgment as and when the turn comes and without any further delay. No doubt this is subject to the petitioners being entitled to at the time of disbursal on the continued finality being attached to Exts.P1 and P2 judgment and decree. Further, as far as the claim for appointment under the dying in harness scheme is concerned also, Standing Counsel for the respondent submits that there also there is a queue and claims from 1997 are pending.

Learned Standing Counsel also submits that in fact Ext.P3 has

not been received in the office. In such circumstances, if the second petitioner makes a request, her case will be considered in accordance with law and in accordance with priority on the basis of Exts.P1 and P2 judgment and decree continuing to remain final.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.